

Remarks

Claims 1-20 are pending in the application. Claims 18-20 are presently withdrawn from consideration. Claims 1-17 are rejected.

Applicant confirms the election to prosecute the invention of Group I, namely claims 1-17. Applicant reserves the option to file a divisional application for the invention of claims 18-20.

Applicant has amended the title of the application in order to more precisely reflect the nature of the invention.

The Examiner rejected claims 1-5 and 8-10 as being anticipated by U.S. Patent No. 5,591,409 (Watkins). The Examiner further rejected claims 1-4 as being anticipated by U.S. Patent No. 6,241,944 B1 (Budman).

Furthermore, the Examiner rejected claims 1-16 as being anticipated by U.S. Patent No. 6,282,458 B1 (Murayama et al).

Applicant notes that all of the patents cited by the Examiner relate to scent systems. Of all of the references only Murayama et al makes reference to humidity. Although the Examiner suggests that Murayama et al is configured to account for the humidity of the surrounding environment and can be connected to an air conditioner, Applicant respectfully believes that the Examiner is misunderstanding this aspect of Murayama et al.

Murayama et al teaches a system which reacts to temperature and humidity rather than providing a system which proactively changes temperature and humidity of the environment. This can be seen for example in the first paragraph of column 6 which describes using a control system which receives an input signal based on temperature. This is different than having a control system which controls temperature and in fact there is no mention in Murayama et al as to proactively controlling the temperature. In other words, Murayama picks a scent based on temperature of air blowing rather than controlling the temperature. Similarly, the last paragraph of column 8 and first paragraph

of column 9 discuss using humidity as an input for determining which scent to release. No suggestion is made to control humidity through the control system which controls the release of scent and in fact, the system is incapable of controlling humidity as it has no provision for generating humid air or a mist.

Applicant has amended the claims to more specifically define the invention as relating to a substance distribution and microclimate generation apparatus specifying in claim 1 that the apparatus includes a water mist producer for dispensing water, that the signal contains a humidity component and that the processor causes the apparatus to selectively release desired substances and water based on the signal input.

In view of the foregoing feature of Applicant's invention, and the further feature relating to temperature control which is introduced in claim 6, Applicant's device is distinguishable from the devices of any of the cited references in that it is capable of simultaneously creating an entire environment including not only scent but also simulating climate as part of a multi-media experience.

The Examiner rejected claim 17 as being obvious in view of Muryama et al and further in view of U.S. Patent No. 6,581,195 B2 (Bartsch et al). The Examiner states that Bartsch et al teaches the application of any atmosphere modifying agent in the controlled substance generation release system and cites columns 6, lines 54-60 in support of this.

Applicant respectfully disagrees with the Examiner's interpretation of the cited passage which provides as follows:

The terms "aroma" and "scents", as used herein include, but are not limited to pleasant or savoury smells and, thus, also encompass scents that function as insecticides, air fresheners, deodorants, aromacology, aromatherapy, insecticides, or any other odor that acts to condition, modify or otherwise change the atmosphere or to modify the environment." (emphasis added)

Contrary to the Examiner's suggestion, the cited passage refers only to aromas, scents or odors and not other substances. This is made clear by the expressions "scents that function as..." and "...or any other odor..." as emphasized above. Applicant therefore respectfully submits that Bartsch et al does not suggest substances other than

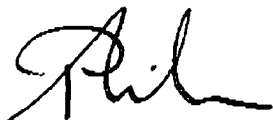
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odiferous substances. Furthermore, the Bartsch et al system would not be useful as an emergency apparatus for dealing with toxic substances. Scents that function as insecticide can hardly be considered as teaching the use of anti-bacterial or anti-viral substances, anti-toxins or anti-venoms as claimed in claim 17.

Furthermore, Bartsch et al does not make any reference to microclimate simulation as discussed above with respect to the amendment to claim 1. As claim 17 depends from claim 1 the above feature is now incorporated in claim 17 and accordingly no combination of Bartsch et al or the other references would yield an apparatus capable of microclimate simulation and as well capable of dispensing substances of the type claimed in claim 17.

For all of the reasons set out above, Applicant respectfully submits that the application as amended is in condition for allowance and action toward that goal is respectfully requested.

Respectfully submitted,



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